

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAWN DIARRA MCSWAIN,

Plaintiff,

Case No. 20-11672

Honorable Victoria A. Roberts

v.

HEINEMANN, et al.,

Defendants.

**ORDER MOOTING MOTION FOR SUMMARY JUDGMENT FOR
FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES [ECF No. 12] &
DISMISSING DEFENDANTS NOT NAMED IN THE AMENDED
COMPLAINT**

Shawn Diarra McSwain filed this prisoner civil rights case *pro se* on May 11, 2020. McSwain says that all Defendants caused him serious medical harm when they forced him out of his wheelchair and were deliberately indifferent to his medical needs in violation of his Eighth Amendment rights. McSwain also claims that the Defendants retaliated against him by writing false misconducts, placing him in segregation, and transferring him to another facility.

On October 21, 2020, Defendants Corizon Health, Inc., Rosilyn Jindal, P.A., and Frederick Herro, M.D. filed a motion for summary judgment against McSwain for failure to exhaust his administrative remedies. [ECF. No. 12].

McSwain filed an amended complaint on February 9, 2021 and the Court docketed it on March 2, 2021. [ECF No. 47]. These three Defendants are not named in the amended complaint. Accordingly, their motion for summary judgment is **MOOT**.

Because McSwain does not name the following defendants in the amended complaint they are **DISMISSED**: Corizon; Jindal; Herro; Meyers; Cook; Chrisman; Clayman; Rault; Randall; Cline; Houtz; Pigg; Amsdill; Warner; Reasoner; West; Asuydam; Martin; Campbell; Messer; Condon; Kendall; and Fox.

ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 8, 2021